

AMENDMENTS TO THE DRAWINGS

The attached sheets (3) of replacement drawings include changes to Figures 1, 2a and 3a. Replacement Sheet 1, which includes Figure 1, replaces the previous sheet 1 containing Figure 1. Replacement Sheet 2, which includes Figure 2a, replaces the previous sheet 2 containing Figure 2a. Replacement Sheet 4, which includes Figure 3a, replaces the previous sheet 4 containing Figure 3a.

Attachments: Replacement Sheets 1, 2 and 4
Three (3) Annotated Sheets Showing Changes

REMARKS

This paper is presented in response to the Office Action. No claims are canceled, amended, or added by this paper. Claim 8 was canceled in a previous paper. Claims 14-17 and 28-37 have been withdrawn by the Examiner as being directed to an unelected invention. Claims 1-7, 9-13 and 18-27 remain pending.

Reconsideration of the application is respectfully requested in view of the following remarks. For the convenience and reference of the Examiner, the remarks of the Applicant are presented in the order in which the corresponding issues were raised in the Office Action.

Inasmuch as no claim amendments or new claims are set forth herein, entry of this paper is proper.

I. General Considerations

Applicant notes that the remarks, or a lack of remarks, set forth herein are not intended to constitute, and should not be construed as, an acquiescence, on the part of the Applicant: as to the purported teachings or prior art status of the cited references; as to the characterization of the cited references advanced by the Examiner; or as to any other assertions, allegations or characterizations made by the Examiner at any time in this case. Applicant reserves the right to challenge the purported teaching and prior art status of the cited references at any appropriate time.

II. Objection to the Drawings

1. The Examiner has objected to Figure 1, apparently on the grounds that the "204" reference sign in the lower portion of the Figure does not include an arrowhead. In light of the Replacement Sheet 1 submitted herewith, Applicant submits that the objection has been overcome and should be withdrawn.

2. The Examiner has objected to Figures 2A and 3A, stating "there are two elements in rightmost portion shown with different hatching, one (numbered 312 in Figure 2A and one numbered 404 in Figure 3A) has hatch line different than those of another just below elements numbered 312 and 404. It is not clear what does the other element belongs to and why there is a gap between these two different elements."

In light of the Replacement Sheets 2 and 4 submitted herewith, Applicant submits that the objection has been overcome and should be withdrawn. With particular reference to Figures 2A and 3A, those figures have been amended to more closely conform with the specification. No new matter is believed to be entered as a result of the modifications to the figures.

III. Objection to the Title

The Examiner has also objected to the title of the invention as purportedly lacking descriptiveness, and has stated that “A new title is required that is clearly indicative of the invention to which the claims are directed. None of the independent claims 1, 6, 13 or 24 refer to arc protection.” Applicant disagrees that a new title is required, at least because the Examiner has cited no authority for the proposition that the title of an application must include the same words as an independent claim of that application.

In the interest of advancing the examination of this case however, Applicant is agreeable to amending the title of the application. Accordingly, please amend the title of the application to read as set forth below --

HIGH VOLTAGE CABLE ASSEMBLY

In light of this amendment to the title, Applicant submits that the objection has been overcome and should be withdrawn.

IV. Claim Rejections Under 35 U.S.C. § 102(b)

Applicant notes that a claim is anticipated under 35 U.S.C. § 102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Further, the identical invention must be shown in as complete detail as is contained in the claim. Finally, the elements must be arranged as required by the claim. *See MPEP § 2131.*

With particular reference now to the rejection, the Examiner has rejected claims 1-2, 4, 6, 7, 9, 11, 13, 18, 19, 21 and 23 under 35 U.S.C. § 102(b) as being anticipated by U.S. 4,737,122 to Dechelette (“*Dechelette*”). Applicant respectfully disagrees.

In rejecting independent claims 1, 6, 13 and 24, the Examiner makes a number of assertions with respect to the purported teachings of *Dechelette* but fails to provide any evidence from *Dechelette* in support of those assertions. By way of example, the Examiner has alleged that *Dechelette* discloses “... a cable 16 ... attached to a metal fitting 60 [referred to in *Dechelette* as a “cable shield” – col. 5, lines 8-9] of an elbow configuration ...” However, the Examiner has failed to provide any evidence from *Dechelette* to support the assertion that the “cable 16” is attached to the “metal fitting 60.” It would thus appear that the Examiner has simply assumed, or is speculating, that the “cable 16” is attached to “metal fitting 60.” In either case, Applicant submits that such an approach to examination is improper.

Particularly, Applicant notes that in rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. Moreover, when a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.” 37 CFR 1.104. *Emphasis added*. Moreover, “[t]he goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.” MPEP § 706.

Thus, not only has the Examiner failed to establish that *Dechelette* discloses “... a cable 16 ... attached to a metal fitting 60 of an elbow configuration ...,” but it is likewise clear that the approach taken by the Examiner with respect to the examination of the claims is contrary to the examination guidelines. The rejection made by the Examiner is problematic for other reasons as well.

For example, the Examiner has asserted that *Dechelette* discloses “... a terminal 12 [referred to in *Dechelette* as a “wire carrier” – col. 3, line 46] with a ... terminal element ...” As the foregoing statement by the Examiner makes clear, the Examiner has failed to identify which element(s) of *Dechelette* are believed by the Examiner to constitute the “terminal element” of the “terminal 12.” Thus, Applicant is left to guess at which element(s) of *Dechelette* the Examiner believes to constitute the “terminal element” referred to in the rejection. This much, Applicant declines to do, inasmuch as the burden of establishing anticipation is on the Examiner.

The Examiner has further asserted that the “terminal 12” includes a “resilient non-electrically conductive terminal element.” As noted above however, the Examiner has failed to identify which element(s) of *Dechelette* are purported to constitute the aforementioned “terminal element,” much less establish that *Dechelette* discloses a “terminal element” that is “resilient.” That is, the Examiner has, again (see, office action mailed 20 January 2006), failed to provide any evidence whatsoever from Dechelette to support the assertion that the “terminal 12” includes a “resilient non-electrically conductive terminal element.” It would thus appear that the Examiner has simply assumed, or is speculating, that the “terminal 12” includes a “resilient non-electrically conductive terminal element.” For at least the reasons set forth above however, Applicant submits that such an approach to examination is improper.

Moreover, it would appear that the Examiner has, in fact, conceded that *Dechelette* does not teach a “resilient” terminal element. Particularly, the Examiner has stated that “Dechelette discloses all the features of these claims except the material of the terminal element being rubber ...” *Office Action* at 4. *Emphasis added*. Thus, the statement made by the Examiner in the rejection under 35 U.S.C. § 103(a)

appears to directly contradict the statement made by the Examiner in the rejection under 35 U.S.C. § 102(b).

With continuing reference to the rejection under 35 U.S.C. § 102(b), the Examiner has also alleged that *Dechelette* discloses "... a terminal 12 with a resilient non-electrically conductive terminal element with a first end attached to the fitting ..." Inasmuch as the Examiner has failed to establish that *Dechelette* discloses a "terminal element," it follows that the Examiner has likewise failed to establish that *Dechelette* discloses a "terminal element with a first end attached to the fitting." *Emphasis added.*

As another example, the Examiner has asserted that *Dechelette* discloses "a terminal element [having] a second end with a plurality of electrical contacts 50 ..." *Emphasis added.* This characterization however, is inconsistent with other statements made by the Examiner in the rejection of the claims. Particularly, and as noted above, the Examiner has alleged that *Dechelette* discloses "... a terminal 12 ... with a ... terminal element ..." However, it is clear from Figure 3a of *Dechelette* that the "electrical contacts 50" [referred to in *Dechelette* as "terminals" – col. 4, line 42] are not a part of the "terminal 12," as the Examiner has alleged. Instead, *Dechelette* discloses that the "electrical contacts 50" are "... mounted in passageways 56 of housing 30." *Col. 4, lines 42-43; Figure 3a. Emphasis added.*

Finally, and as noted in Applicant's paper filed on 19 April 2006, the Examiner has again asserted (see office action mailed 20 January 2006), apparently with reference to claim 13, that the "annular groove" purportedly disclosed in *Dechelette* serves to "... control diametrical expansion of the terminal element." As noted in the aforementioned paper of the Applicant however, this assertion appears to be nothing more than speculation on the part of the Examiner, inasmuch as the Examiner has provided no supporting evidence whatsoever from *Dechelette*. While Applicant traversed the rejection on this ground in Applicant's paper filed on 19 April 2006, the Examiner failed to address Applicant's arguments on that point in the final Office Action. Applicant submits that such an approach to examination is clearly contrary to established examination guidelines. Particularly, Applicant notes that "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, *take note of the applicant's argument and answer the substance of it.*" *M.P.E.P. § 707.07(f). Emphasis added.* This much, the Examiner has failed to do.

To the extent that the Examiner has repeated, in the Office Action, rejections previously made, and failed to address the substance of Applicant's arguments with respect to such rejections, Applicant submits that the repeated rejections are defective and should be withdrawn.

As the foregoing makes clear, the Examiner has made various assertions concerning the purported disclosure of *Dechelette* as such disclosure is alleged by the Examiner to concern the claimed invention. In a number of instances however, the Examiner has failed to specifically identify which component(s) of

the *Dechelette* device are purported to correspond to the elements of the rejected claims. Instead, the Examiner simply relies on vague assertions and leaves the Applicant to guess at what the Examiner believes to be the relation between the purported disclosure of *Dechelette* and the claims. In yet other cases, the Examiner has made assertions concerning the purported disclosure of *Dechelette*, but has provided no evidence whatsoever from *Dechelette* in support of the assertions.

In view of the points raised above, Applicant submits that the Examiner has failed to establish that claims 1, 6 and 13 are anticipated by *Dechelette*, at least because the Examiner has failed to show that each and every element as set forth in claims 1, 6 and 13 is found in *Dechelette*, because the Examiner has failed to show that the identical invention is shown in *Dechelette* in as complete detail as is contained in claims 1, 6 and 13, and because the Examiner has failed to show that *Dechelette* discloses the elements arranged as required by claims 1, 6 and 13. Applicant thus respectfully submits that the rejection of independent claims 1, 6 and 13, as well as the rejection of corresponding dependent claims 2, 4, 7, 9, 11, 18, 19, 21 and 23, should be withdrawn.

V. Rejection of Claims Under 35 U.S.C. § 103(a)

Applicant respectfully notes at the outset that in order to establish a *prima facie* case of obviousness, it is the burden of the Examiner to demonstrate that three criteria are met: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; second, there must be a reasonable expectation of success; and third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP* § 2143.

The Examiner has rejected claims 3, 5, 10, 12, 20, 22 and 24-27 under 35 U.S.C. § 103(a) as being unpatentable over various combinations of references including, at least, *Dechelette*. Applicant respectfully disagrees.

Applicant notes that the rejection of claims 3, 5, 10, 12, 20, 22 and 24-27 relies on the characterization of *Dechelette* advanced by the Examiner in connection with the rejection of claims 1-2, 4, 6, 7, 9, 11, 13, 18, 19, 21 and 23 under 35 U.S.C. § 102(b). Inasmuch as the rejection of claims 1-2, 4, 6, 7, 9, 11, 13, 18, 19, 21 and 23 lacks foundation however, for at least the reasons set forth at IV. above, Applicant submits that the rejection of claims 3, 5, 10, 12, 20, 22 and 24-27 under 35 U.S.C. § 103(a) is likewise defective. For example, and as made clear by the discussion at IV. above, the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 3, 5, 10, 12, 20, 22 and 24-27 at least because the Examiner has failed to establish that the references, when combined or modified in the purportedly obvious fashion, teach or suggest all the limitations of the rejected claims. Applicant thus

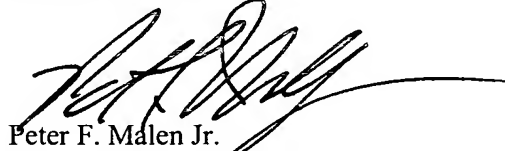
respectfully submits that the rejection of claims 3, 5, 10, 12, 20, 22 and 24-27 under 35 U.S.C. § 103(a) should be withdrawn.

CONCLUSION

In view of the remarks submitted herein, Applicant respectfully submits that each of the pending claims 1-7, 9-13 and 18-27 is in condition for allowance. Therefore, reconsideration of the rejections is requested and allowance of those claims is respectfully solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 15th day of August, 2006.

Respectfully submitted,



Peter F. Malen Jr.
Attorney for Applicants
Registration No. 45,576
Customer No. 022913
Telephone: (801) 533-9800

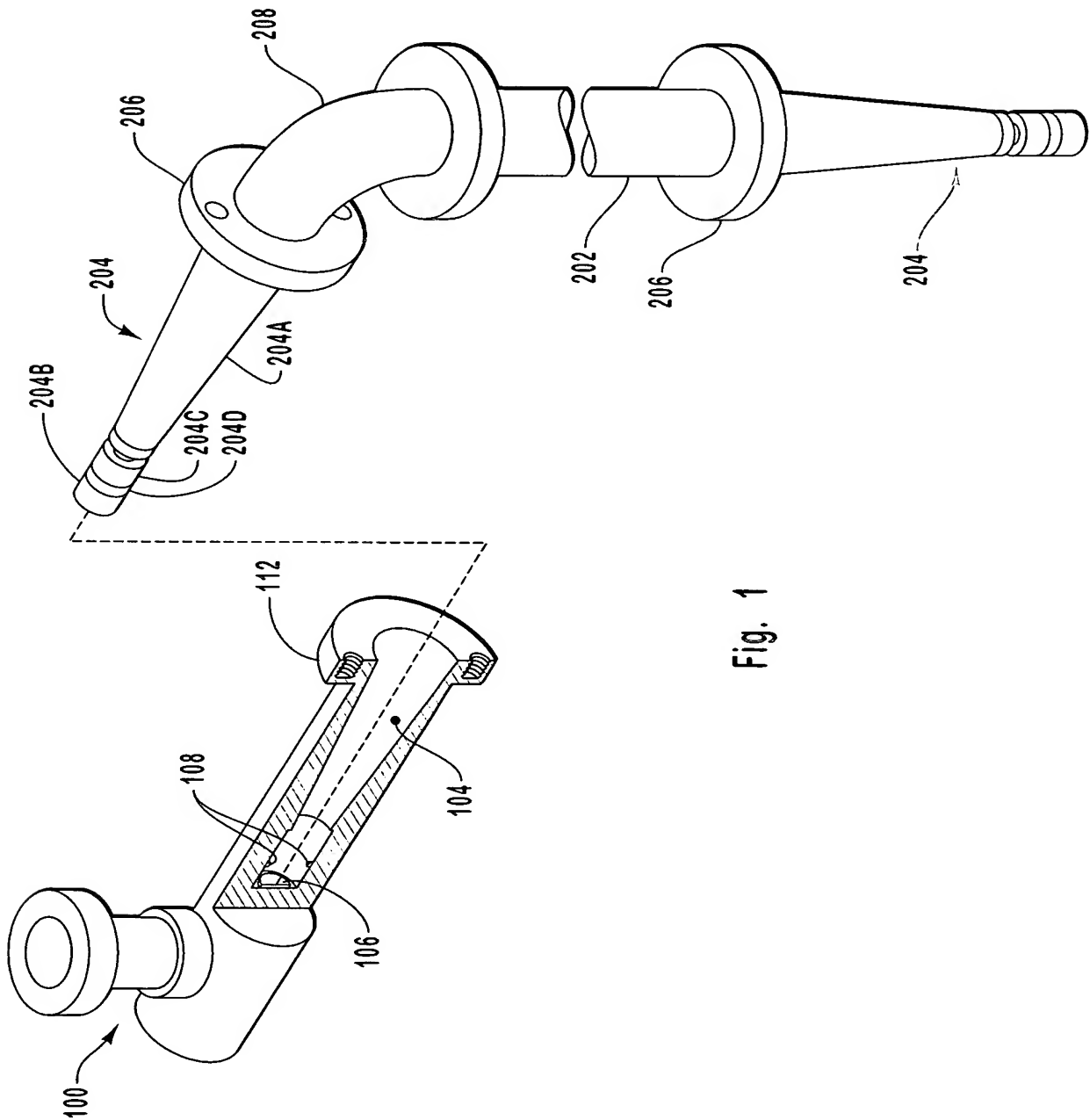


Fig. 1

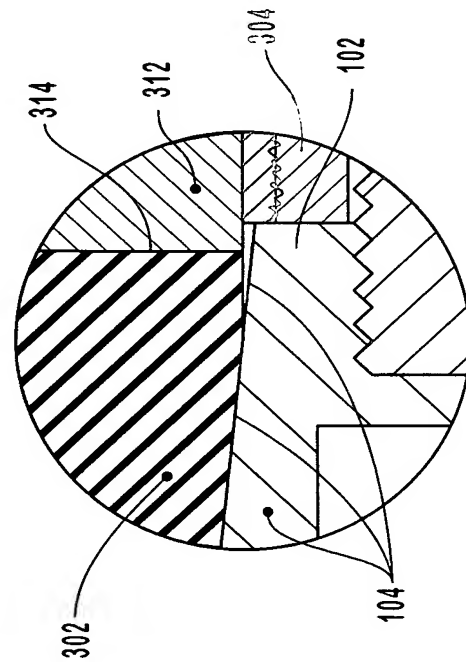
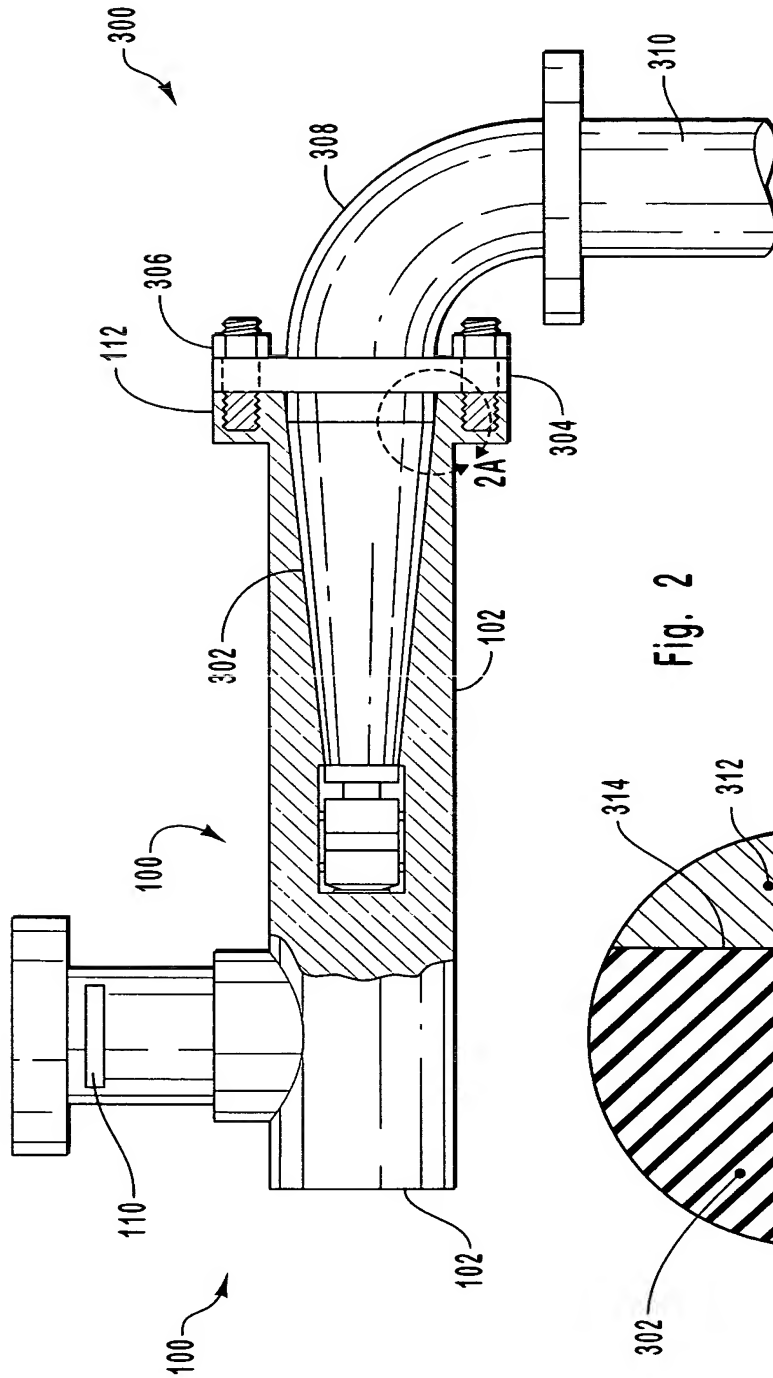


Fig. 2A

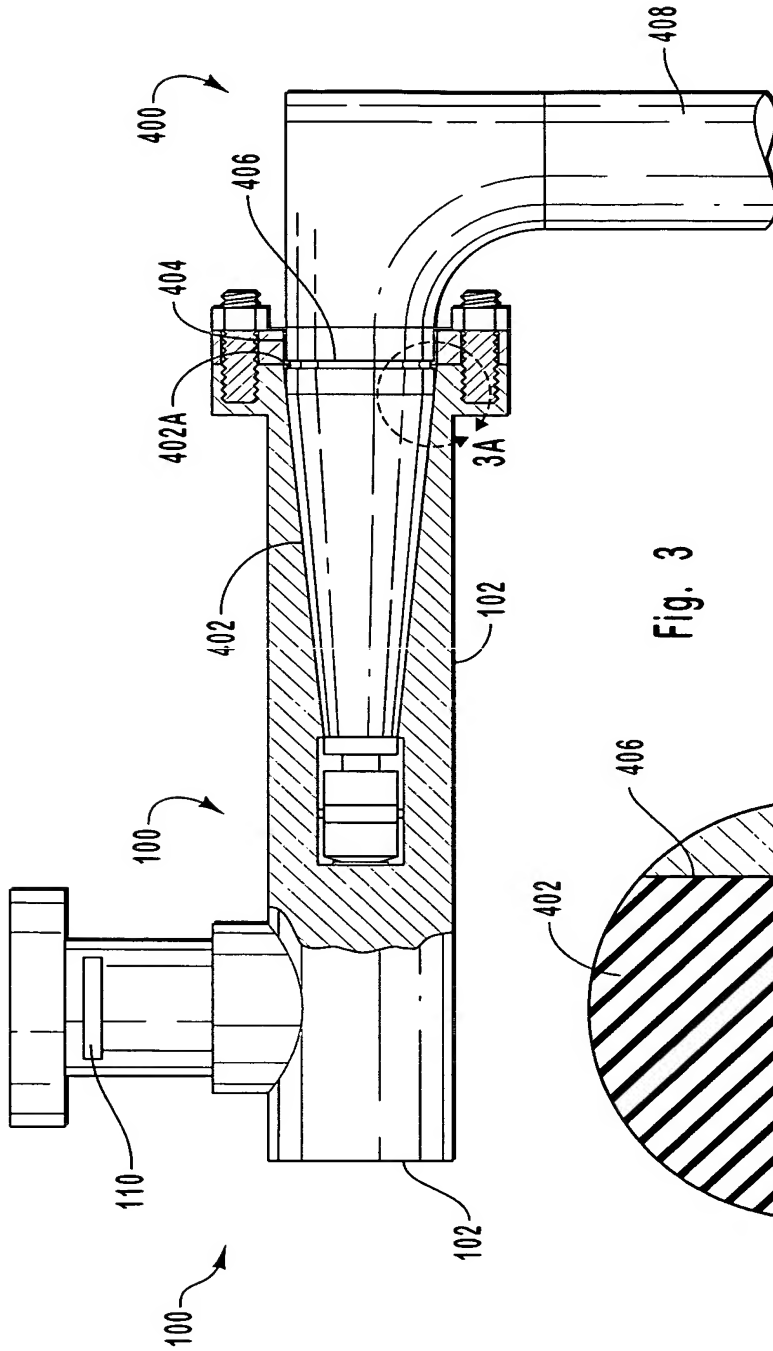


Fig. 3

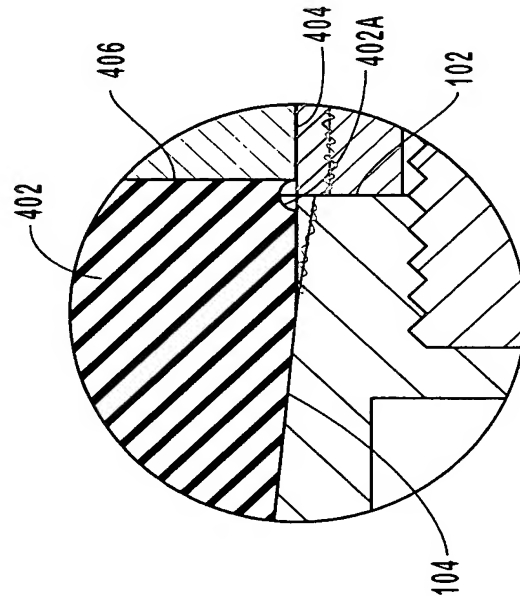


Fig. 3A